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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL DANIELI, *et al.*, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

08 CV 3688 (SHS)

ECF CASE

~~PROPOSED~~ ORDER GRANTING
CLASS COUNSEL'S APPLICATION
FOR ATTORNEYS' FEES AND FOR
REIMBURSEMENT OF COSTS AND
EXPENSES

Hon. Sidney H. Stein

Hearing Date: March 12, 2010

Hearing Time: 10:00 AM

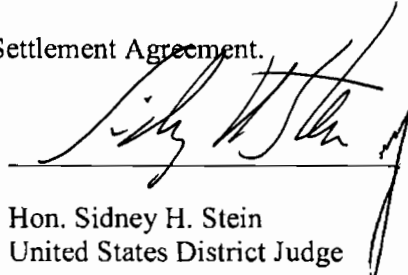
Class Counsel's Application for Attorneys' Fees and Reimbursement of Costs and Expenses was heard on March 12, 2010.

This Court, having reviewed the evidence and papers submitted with the motion, FOUND, for the reasons stated by the Court on the record, at the March 12, 2010 hearing, that the \$2,250,000 in attorneys' fees requested by Class Counsel is a reasonable attorneys' fee, and that the \$149,577 in costs and expenses class counsel incurred in connection with this litigation, were reasonably incurred in connection with the prosecution of this action.

Accordingly, this Court GRANTS Class Counsel's Application for Attorneys' Fees and Reimbursement of Costs and Expenses, and ORDERS as follows:

- 1) Class Counsel shall be awarded \$2,250,000 in attorneys' fees;
- 2) Class Counsel shall be reimbursed \$149,577 in costs and expenses.
- 3) The attorneys' fees and costs and expenses awarded to Class Counsel in paragraphs 1 and 2, above, shall be paid from the Settlement Fund in accordance with terms of the Settlement Agreement.

Dated: March 29, 2010


Hon. Sidney H. Stein
United States District Judge